

28 May 1954

MEMORANDUM FOR: Assistant Director for Personnel

SUBJECT: Required Change for Regulation [REDACTED]

Subj file 730.
6/8/10/30
STATINTL

1. This will acknowledge receipt of your memorandum of May 25, 1954, requesting an opportunity to review the exchange of correspondence with the Attorney General concerning suspension of employees during 10450 proceedings and our proposed changes in Regulation [REDACTED] to incorporate this and other requested changes. These papers are forwarded herewith for your inspection. STATINTL

2. A word of explanation may be in order. Some time ago Mr. Pollock, the Department of Justice official charged with the administration of the Executive Order 10450 program, called upon us to go over our Regulation and to suggest several changes in its form. These changes were reported to be the result of experience with the program throughout the Government, and, to the best of our knowledge, are not peculiar to this Agency. These changes are incorporated in our request to the Regulations Control Staff and have been approved by Mr. Pollock in their present form.

3. By letter to the Director dated March 24, 1954 the Attorney General notified this Agency of a change in his position concerning the authority of executive departments and agencies to process employees under 10450 proceedings without prior suspension. You will remember that in October 1953 we requested an opinion of the Attorney General on this point. By letter dated 4 November 1953 the Attorney General gave us his opinion that "... there is no prohibition against giving a hearing ... to anyone who has not been suspended." Upon receipt of the March opinion that suspension is necessary in all cases, the Director replied by letter on 6 May 1954 that the Agency Regulation would be revised to reflect the Attorney General's thoughts on the subject.

4. Attached is our proposed memorandum to the Regulations Control Staff requesting that several changes designed to comply with the two requests of the Department of Justice be made in the present Regulation [REDACTED] These changes have already been approved orally by Mr. William [REDACTED] of the Security Office on behalf of Colonel Edwards. We would appreciate it if you would also make a written note of approval of these changes either on our request to the Regulations Control Staff or by separate memorandum.

5. A copy of the Attorney General's letter to the Director of 4 November is attached for your retention if you so desire. Also attached are copies of the letters of October 12, 1953 and 6 May 1954 from the Director to the Attorney General and the original of the letter from the Attorney General of March 24, 1954. We would appreciate the return of these latter documents when they have served your purpose since they are our only file records. We also request that the memorandum to the Regulations Control Staff be returned as soon as possible so that we may forward it to the Regulations Control Staff. STATINTL


Office of General Counsel

Attachments